



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

ALSCO INC.

Registration No. 60741

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and AlSCO Inc. for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, and the applicable minor Source Review permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "AlSCO" means AlSCO Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. AlSCO is a "person" within the meaning of Va. Code § 10.1-1300.
2. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means the AlSCO Inc. laundry facility, located at 5616 Shell Road, Virginia Beach, Virginia.

6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "Permit" or "2010 Permit" means a minor New Source Review permit to operate a natural gas/distillate oil-fired boiler and four natural gas-fired dryers at the Facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to AlSCO Inc. on December 17, 2010.
9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
10. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. AlSCO owns and operates the Facility in Virginia Beach, Virginia which provides commercial laundry, drying, pressing, and folding services of commercial textiles such as uniforms and shop carpets. AlSCO is subject to the 2010 Permit.
2. On March 26, 2018, DEQ conducted an on-site inspection at the Facility for compliance with the requirements of the Virginia Air Pollution Control Law, the 2010 Permit, and the Regulations. Based on the on-site inspection and follow-up information, Department staff made the following observations:
 - a. Records were not being maintained of monthly and annual throughputs of distillate oil, calculated monthly as the sum of each consecutive 12-month period;
 - b. Records were not being maintained of monthly and annual throughputs of natural gas, calculated monthly as the sum of each consecutive 12-month period.
 - c. Notification had not been provided to DEQ of the construction and startup of a new natural gas fired dryer;
 - d. A natural gas fired dryer installed and operational that was not listed in the 2010 Permit.
3. The 2010 Permit condition 10.(a.) requires records of monthly and annual throughputs of distillate oil, calculated monthly as the sum of each consecutive 12-month period.

4. The 2010 Permit condition 10.(b.) requires records of monthly and annual throughputs of natural gas, calculated monthly as the sum of each consecutive 12-month period.
5. 9VAC5-50-50(A) requires that, any owner of a new or modified source subject to the provisions of this chapter shall provide written notifications to the board for the date of commencement of construction, initial startup, and actual date of startup for a new or modified source.
6. 9VAC5-80-1120(A) states that, "No owner or other person shall begin actual construction, reconstruction or modification of any stationary source without first obtaining from the board a permit to construct and operate or to modify and operate the source."
7. 9VAC5-80-1201(D) states that, "Any owner who constructs or operates a new or modified source not in accordance with the terms and conditions of any permit to construct or operate, or any owner of a new or modified source subject to this article who commences construction or operation without receiving a permit hereunder, shall be subject to appropriate enforcement action including, but not limited to, any specified in this section."
8. On April 20, 2018, by email, AlSCO submitted the following:
 - a. An air permit application to DEQ for the new natural gas dryer. The application listed June 2017 as the installation and startup date of the new dryer. A review of the application by DEQ staff indicated that the new dryer was subject to the Regulations and required an air permit to operate;
 - b. Spreadsheets that listed records had begun to be maintained of monthly and annual throughputs of distillate oil and natural gas, calculated monthly as the sum of each consecutive 12-month period.
9. On May 9, 2019, based on the March 26, 2018 inspection, DEQ issued to AlSCO NOV number ATRO001205 for the construction and operation of the new dryer and for failure to notify DEQ of the construction and startup of the new dryer. AlSCO responded to the NOV by telephone on May 9, 2019.
10. Va. Code § 10.1-1322(A) provides that permits may be issued, amended, revoked, or terminated and reissued by the Department and may be enforced under the provisions of this chapter in the same manner as regulations and orders.
11. Based on the results of the March 26, 2018 inspection, the Board concludes that AlSCO violated 2010 Permit condition 10a., 2010 Permit condition 10.b., 9VAC5-80-1120(A), 9VAC5-80-1210(E), and 9VAC5-50-50(A), as described in paragraphs C(2) through C(8), above.
12. AlSCO submitted documentation on April 20, 2018, and on August 12, 2019, DEQ issued an Article 6 minor New Source Review air permit, that verified that the violations described in paragraphs C(2) through C(8) have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders AlSCO, and AlSCO agrees to:

1. Pay a civil charge of \$9,145 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

<u>Payment Due Date</u>	<u>Payment Amount</u>
July 15, 2020	\$2,145
August 15, 2020	\$1,400
September 15, 2020	\$1,400
October 15, 2020	\$1,400
November 15, 2020	\$1,400
December 15, 2020	\$1,400

2. If the Department fails to receive a civil charge payment pursuant to the schedule described in the above paragraphs D.1., the payment shall be deemed late. If any payment is late, the Department shall have the right to demand in writing full payment of the entire remaining balance within 15 days of receipt of the demand letter from the Department. Any acceptance by the Department of a late payment or a payment of less than the entire remaining balance shall not serve as a waiver of the Department's right to accelerate payment of the balance under this Order.
3. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

AlSCO shall include its Federal Employer Identification Number (FEIN) _____ with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, AlSCO shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of AlSCO for good cause shown by AlSCO, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in the AlSCO NOV No. ATRO001205 dated May 8, 2019. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, AlSCO admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. AlSCO consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. AlSCO declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by AlSCO to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. AlSCO shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. AlSCO shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. AlSCO shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

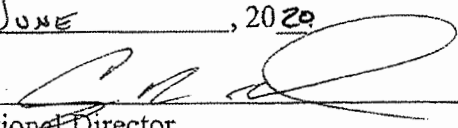
Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and AlSCO. Nevertheless, AlSCO agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after AlSCO has completed all of the requirements of the Order;
 - b. AlSCO petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to AlSCO.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve AlSCO from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by AlSCO and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of AlSCO certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind AlSCO to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of AlSCO.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, AlSCO voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 16 day of JUNE, 2020



Regional Director
Department of Environmental Quality

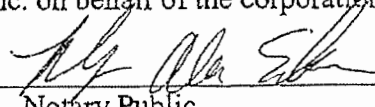
AlSCO voluntarily agrees to the issuance of this Order.

Date: 6-15-2020 By: John Taylor, General Manager
(Person) (Title)
AlSCO Inc.

Commonwealth of Virginia
City/County of Virginia Beach

The foregoing document was signed and acknowledged before me this 15th day of

June, 2020 by John Taylor who is
General Manager of AlSCO, Inc. on behalf of the corporation.



Notary Public

7847258

Registration No.

My commission expires: 3/31/2023

Notary seal:

